

RECEIVED  
CENTRAL FAX CENTER

DEC 02 2005

Docket No. 495812000100  
(PATENT)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8000, on the date shown below.  
Dated: December 2, 2005 Signature: *[Signature]* (Boh R. Mandel)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kevin CURTIS

Patent No.: 6,856,461

Issue Date: February 15, 2005

Application No.: 09/996,823

Filing Date: November 30, 2001

For: TUNABLE OPTICAL FILTER

Group Art Unit: 2872

Examiner: Faye G. Assaf

NOTICE OF CHANGE OF STATUS and  
PAYMENT OF DEFICIENCY OWED  
UNDER 37 C.F.R. §1.28(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It has recently come to our attention that a good faith error appears to have been made regarding the entity status of the above-referenced application and that some fee payments appear to have been made in error claiming small entity discount.

Adjustment date: 12/05/2005 SLUANG1  
12/03/2001 NROCHA1 00000103 031952 09996823  
01 FC:201 370.00 CR  
02 FC:203 126.00 CR  
Adjustment date: 12/05/2005 SLUANG2  
12/16/2004 SFELEKE2-00000130 031952 09996823  
01 FC:2501 700.00 CR

12/05/2005 SLUANG2 00000004 031952 09996823  
01 FC:1501 1400.00 DA

12/05/2005 SLUANG1 00000001 031952 09996823

01 FC:1001 790.00 DA  
02 FC:1202 700.00 DA

PAGE 5/7 \* RCVD AT 12/2/2005 4:54:21 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/32 \* DNIS:2738300 \* CSID:703 760 7777 \* DURATION (mm-ss):02:40

IFW did not receive page 3 of 7

*[Signature]*

Patent No. 6,856,461

2

Docket No. 495812000100

As required under 37 C.F.R. §1.28(c), to correct these oversights and in order for the error in payments to be excused we hereby submit an itemization of all erroneous small entity payments and the differential fees, together with the deficiency payment.

**Itemization of all erroneous small entity payments and the differential fees:**

TYPE OF FEE	DATE PAID	SMALL ENTITY FEE PAID	CURRENT FEE AMOUNT	LARGE ENTITY DIFFERENTIAL FEE
Filing Fee	November 30, 2001	\$370.00	\$1,000.00	\$630.00
14 Extra Claims	November 30, 2001	\$112.00	\$700.00	\$588.00
Issue Fee	December 15, 2004	\$700.00	\$1,400.00	\$700.00
<b>TOTALS</b>		<b>\$1,182.00</b>	<b>\$3,100.00</b>	<b>\$1,918.00</b>
		(Total Fees Previously Paid)	(Current Fee Amount)	(Corrected Fee Amount to be charged to Deposit Account No. 03-1952)

Based upon the above, Applicant believes the differential between the small entity fees previously paid and the large entity fees now owing should total \$1,918.00. Applicant requests this *differential fee* be paid from our Deposit Account No. 03-1952. Pursuant to 37 C.F.R. § 1.28(c), the calculated deficient "large entity fees" are based upon the amount of the fee in effect at the time the deficiency is paid in full.

va-143782

Patent No. 6,856,461

3

Docket No. 49581200010 )

In the event the Patent Office determines that an extension and/or other relief is required Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **495812000100**

Respectfully submitted,

Dated: December 2, 2005

By: 

Raj S. Davé  
Registration No.: 42465  
MORRISON & FOERSTER LLP  
2000 Pennsylvania Ave., NW  
Washington, D.C. 20006-1888  
Telephone: 202.887.1500  
Facsimile: 202.887.0763

vu-143782

DEC 02 2005

MORRISON | FOERSTER

1650 FYSOMSB ROULEVARD  
SUITE 900  
MCLEAN, VIRGINIA 22102  
TELEPHONE 703/6077700  
FACSIMILE 703/7607777  
WWW.MFO.COMMORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PHOENIX, CHICAGO,  
SAN DIEGO, WASHINGTON, D.C.  
DENVER, NORFOLK, VIRGINIA,  
ORLANDO, FLORIDA, SEATTLE, WASH.  
WINTER PARK, COLORADO  
TOKYO, LONDON, ROTTERDAM,  
HONGKONG, SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
U.S. Patent and Trademark Office	(571) 273-8300	

FROM: Raj S. Davé (Reg. No. 42,465)

DATE: December 2, 2005

Number of pages with cover page:	7
----------------------------------	---

Preparer of this slip has confirmed that facsimile number given is correct: 10885/brm2**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**Contents of this Transmission:**

Inventor:	Kevin CURTIS	Attorney Docket No.:	495812000100
Patent No.:	6,856,461	Issue Date:	February 15, 2005
Application No.:	09/996,823	Filing Date:	November 30, 2001
Group Art Unit:	2872	Examiner:	Fayez G. Assaf

Title: TUNABLE OPTICAL FILTER

**Document:**

Transmittal (1 page)  
 Fee Transmittal w/duplicate copy for fee processing (2 pages)  
 Notice of Change of Status and Payment of Deficiency Owed (3 pages)  
 Facsimile Return Receipt Cover Sheet (1 page)

Sender's Initials: RSD2/brm2

Date: December 2, 2005

DEC 02 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006 OMB 0651-0011

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

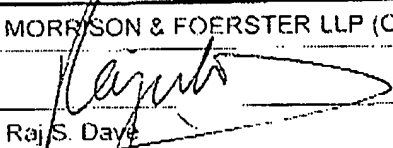
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Patent Number	6,856,451	
	Issue Date	February 15, 2005	
	Application Number	09/996,823	
	Filing Date	November 30, 2001	
	First Named Inventor	Kevin CURTIS	
	Art Unit	2872	
	Examiner Name	Fayez G. Assaf	
Total Number of Pages in This Submission	6	Attorney Docket Number	495812000100

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form w/duplicate copy for fee processing (2 pages)  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD  <div style="border: 1px solid black; padding: 2px;">Remarks</div>	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Notice of Change of Status and Payment of Deficiency Owed (3 pages) 2. Facsimile Return Receipt Cover
--	---	--

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature			
Printed name	Raj S. Dave		
Date	December 2, 2005	Reg. No.	42,465

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: December 2, 2005

Signature:  (Beth R. Mandel)

va-143781

RECEIVED  
CENTRAL FAX CENTER

DEC 02 2005

PTO/SD/17 (2-04v2)

Approved for use through 7/31/2005 OMD 06-1-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4018).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p style="text-align: center;"><b>Complete if Known</b></p> <table border="1"> <tr><td>Patent Number</td><td>6,856,461</td></tr> <tr><td>Issue Date</td><td>February 15, 2005</td></tr> <tr><td>Application Number</td><td>09/996,823</td></tr> <tr><td>Filing Date</td><td>November 30, 2001</td></tr> <tr><td>First Named Inventor</td><td>Kevin CURTIS</td></tr> <tr><td>Examiner Name</td><td>Fayez G. Assaf</td></tr> <tr><td>Art Unit</td><td>2872</td></tr> <tr><td>Attorney Docket No.</td><td>495812000100</td></tr> </table>		Patent Number	6,856,461	Issue Date	February 15, 2005	Application Number	09/996,823	Filing Date	November 30, 2001	First Named Inventor	Kevin CURTIS	Examiner Name	Fayez G. Assaf	Art Unit	2872	Attorney Docket No.	495812000100																
Patent Number	6,856,461																																		
Issue Date	February 15, 2005																																		
Application Number	09/996,823																																		
Filing Date	November 30, 2001																																		
First Named Inventor	Kevin CURTIS																																		
Examiner Name	Fayez G. Assaf																																		
Art Unit	2872																																		
Attorney Docket No.	495812000100																																		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																																			
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1,918.00																																			
<b>METHOD OF PAYMENT</b> (check all that apply)																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____																																			
<input checked="" type="checkbox"/> Deposit Account   Deposit Account Number <u>03-1952</u> Deposit Account Name <u>Morrison &amp; Foerster LLP</u>																																			
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)																																			
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee																																	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments																																	
<b>FEE CALCULATION</b>																																			
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																																			
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)																												
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)																													
Utility	300	150	500	250	200	100	0																												
Design	200	100	100	50	130	65	0																												
Plant	200	100	300	150	160	80	0																												
Reissue	300	150	500	250	600	300	0																												
Provisional	200	100	0	0	0	0	0																												
							<b>Small Entity</b>																												
							Fee (\$)																												
<b>2. EXCESS CLAIM FEES</b> Fee Description Each claim over 20 (including Reissues)							50																												
Each independent claim over 3 (including Reissues)							200																												
Multiple dependent claims							360																												
							180																												
<table border="0"> <tr> <td><b>Total Claims</b></td> <td><b>Extra Claims</b></td> <td><b>Fee (\$)</b></td> <td><b>Fee Paid (\$)</b></td> <td><b>Multiple Dependent Claims</b></td> <td><b>Fee (\$)</b></td> <td><b>Fee Paid (\$)</b></td> </tr> <tr> <td>20 =</td> <td>x</td> <td>=</td> <td>0</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Indep. Claims</b></td> <td><b>Extra Claims</b></td> <td><b>Fee (\$)</b></td> <td><b>Fee Paid (\$)</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3 =</td> <td>x</td> <td>=</td> <td>0</td> <td></td> <td></td> <td></td> </tr> </table>							<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	20 =	x	=	0				<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>				3 =	x	=	0				
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>																													
20 =	x	=	0																																
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>																																
3 =	x	=	0																																
<b>3. APPLICATION SIZE FEE</b> If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																			
<b>Total Sheets</b>		<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>																														
100 =		50	(round up to a whole number) x	=	0																														
							<b>Fees Paid (\$)</b>																												
							0																												
<b>4. OTHER FEE(S)</b> Non-English Specification: \$130 fee (no small entity discount) Other (e.g., late filing surcharge): <u>Deficiency payment - change of status</u> \$1,918.00																																			
<table border="1"> <tr> <td colspan="2"><b>SUBMITTED BY</b></td> <td><b>Registration No.</b></td> <td><b>Telephone</b></td> </tr> <tr> <td>Signature</td> <td></td> <td>42,465</td> <td>(202) 887-1500</td> </tr> <tr> <td colspan="2">Name (Print/Type) <u>Raj S. Dave</u></td> <td colspan="2">Date <u>December 2, 2005</u></td> </tr> </table>								<b>SUBMITTED BY</b>		<b>Registration No.</b>	<b>Telephone</b>	Signature		42,465	(202) 887-1500	Name (Print/Type) <u>Raj S. Dave</u>		Date <u>December 2, 2005</u>																	
<b>SUBMITTED BY</b>		<b>Registration No.</b>	<b>Telephone</b>																																
Signature		42,465	(202) 887-1500																																
Name (Print/Type) <u>Raj S. Dave</u>		Date <u>December 2, 2005</u>																																	

va-143784